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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE MARYLAND 20755-6000

28 September 2011

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that intelligence activities of the National Security Agency during the quarter ending 30 June 2011 were unlawful or contrary to Executive Order or Presidential Directive and thus should have been reported pursuant to Section 1.6(c) of Executive Order 12333, as amended.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

George Ellard

GEORGE ELLARD
Inspector General

PATRICK J. REYNOLDS
Acting General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

KEITH B. ALEXANDER
General, U. S. Army
Director, NSA/Chief, CSS

Encl:
Quarterly Report

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Approved for Release by NSA on 12-22-2014, FOIA Case # 70809 (Litigation)

I. (U) Intelligence, Counterintelligence, and Intelligence-Related Activities that Violated Law, Regulation, or Policy and Were Substantiated during the Quarter, as well as Actions Taken as a Result of the Violations

A. (U) Intelligence Activities Conducted under Executive Order (E.O.) 12333 Authority

(U) Unintentional Collection against United States Persons (USPs) or Foreign Persons in the United States

(U//~~FOUO~~) During the second quarter of calendar year 2011 (CY2011), signals intelligence (SIGINT) analysts in [ ] instances inadvertently targeted or collected communications to, from, or about USPs while pursuing foreign intelligence tasking. Unless otherwise specified, all intercepts and reports have been deleted or destroyed as required by United States SIGINT Directive (USSID) SP0018. (b)(3)-P.L. 86-36

1. (U) Targeting

(U//~~FOUO~~) [ ] during a review of tasked selectors, an NSA analyst discovered that selectors had been tasked for [ ] foreign intelligence targets located in the United States. The error occurred [ ] The selectors were detasked [ ] and were entered into a database containing selectors that should not be tasked. No collection occurred.

(U//~~FOUO~~) [ ] NSA analysts learned that the selectors tasked on behalf of an Intelligence Community (IC) customer were associated with a USP. The error occurred because NSA analysts did not research the selectors before submitting them for tasking. The selectors were detasked [ ] and all collection was purged from the IC customer's databases.

(U//~~FOUO~~) On [ ] occasions [ ] NSA analysts learned that selectors for valid foreign intelligence targets remained on task while the targets were in the United States. The selectors were detasked in all instances except [ ] for which the targets had already departed the United States. No collection occurred.

~~(S//REL TO USA, FVEY)~~ On [ ] occasions between [ ] SIGINT analysts discovered that [ ] associated with a U.S military installation had been targeted. All data collected was deleted by [ ] and no reports were issued.

~~(S//REL TO USA, FVEY)~~ [ ] an NSA analyst learned that the selectors for [ ] valid foreign intelligence targets remained on task while the targets were in the United States [ ] The selectors were detasked [ ] and no reports

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(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

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(b)(3)-P.L. 86-36

Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20320108

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

were issued.

~~(S//REL TO USA, FVEY)~~ an NSA analyst learned that the selector for a valid foreign intelligence target remained on task while the target was in the United States from The analyst overlooked the selector while detasking The selector was detasked collection was deleted and no reports were issued.

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(b)(3)-P.L. 86-36

(U//~~FOUO~~) an NSA analyst learned that a USP had been targeted. The error occurred because the tasking analyst was unaware of the target's USP status. The selector was detasked The amount of collection No reports were issued.

~~(S//REL TO USA, FVEY)~~ NSA analysts discovered that selectors for valid foreign intelligence targets remained on task after the targets had traveled to the United States. The targets' selectors under the Foreign Intelligence Surveillance Act (FISA) Amendments Act Section 702 (FAA §702) authority had been detasked Collection resulted from one of the selectors. The selectors were detasked, and no reports were issued.

(b)(3)-P.L. 86-36

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(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ an NSA analyst targeted the e-mail and telephone selectors of a foreign in accordance with USSID SP0018. The error was caused by the analyst's confusion about SIGINT authorities. No collection occurred. The analyst also incorrectly targeted See a related incident under "Reverse Targeting" on page 9.

(b)(3)-50 USC 3024(i)

(U//~~FOUO~~) an NSA analyst discovered that USPs had been targeted and that their identities were contained in a presentation. Analysts detasked the selectors and removed the USP information from the presentation slides

(U//~~FOUO~~) an NSA analyst discovered that selectors for a valid foreign intelligence target remained on task while the target was in the United States from No detasking occurred because the target had already left the United States when the incident was discovered. No reports were produced from the data collected while the target was in the United States.

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2. (U) Database Queries

~~(S//REL TO USA, FVEY)~~

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(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(S//REL TO USA, FVEY)~~ On [ ] occasions during this quarter, analysts performed overly broad or poorly constructed database queries that potentially targeted USPs. These queries used [ ] that produced imprecise results. On [ ] of those occasions, the queries returned results from the database. The query results were deleted, and no reports were issued. Analysts who performed these queries were counseled by their management.

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(b)(3)-P.L. 86-36

(U) Procedural errors contributed to the following incidents.

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(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

- ~~(S//REL TO USA, FVEY)~~ [ ] an analyst pursuing information on a valid foreign intelligence target attempted to confirm [ ] The query and results were deleted, and no reports were issued.
- (U//~~FOUO~~) [ ] an NSA analyst queried a raw traffic database [ ] as a query term. The query and results were deleted [ ] and no reports were issued.

(b)(3)-P.L. 86-36

- (U//~~FOUO~~) [ ] an NSA analyst discovered that [ ] that had been detasked [ ] when it was determined to be associated with a USP. The analyst was not aware that, in addition to the selector being detasked, [ ] The query and results were deleted [ ], and no reports were issued.
- (U//~~FOUO~~) [ ] NSA analysts performed queries in raw traffic databases without first performing the required research on the selectors. [ ] queries returned results, which were deleted, and no reports were issued.

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(b)(3)-P.L. 86-36

- ~~(S//REL TO USA, FVEY)~~ [ ] a database auditor discovered that an NSA analyst queried selectors associated with a FISA §705(b) target for which the Foreign Intelligence Surveillance Court (FISC) Order had expired [ ] The error occurred because a previous analyst had created a query for valid FAA §705(b) targets using an outdated list of selectors. A new analyst ran the query [ ] without verifying the selectors; the query returned no results.
- ~~(S//REL TO USA, FVEY)~~ [ ] an NSA analyst queried [ ] in a raw traffic database. The error occurred because the analyst did not use available tools [ ] before performing the query. No traffic was retained from the queries. [ ] another NSA analyst queried [ ] The analyst deleted the results without viewing them. No reports were issued from the data.

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(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

- ~~(TS//SI//NF)~~ [ ] an NSA analyst ran [ ] queries in a raw traffic database containing E.O. 12333 collection, using selectors associated with foreign [ ]

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(b)(3)-P.L. 86-36

[redacted] The queries and results were deleted [redacted], and no reports were issued.

- ~~(S//REL TO USA, FVEY)~~ [redacted], an NSA analyst queried the name of a valid foreign intelligence target while the target was in the United States from [redacted] [redacted] While performing research [redacted] the United States, the analyst performed the query in a raw traffic database [redacted] The error was identified the same day, and query results were deleted. No selectors were tasked or queried, and no reports were issued.

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(b)(3)-P.L. 86-36

- (U//~~FOUO~~) [redacted] an NSA analyst queried a selector for a valid foreign intelligence target while the target was in the United States. The query result was deleted [redacted]

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- ~~(S//REL TO USA, FVEY)~~ [redacted], an NSA analyst queried [redacted] in a raw traffic database. The error occurred because the analyst, who was unfamiliar with the database, [redacted] No results were returned by the two queries.

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(b)(3)-50 USC 3024(i)

- ~~(S//REL TO USA, FVEY)~~ [redacted], an analyst-in-training performed a query on [redacted] U.S. telephone selectors in a raw traffic database. The error occurred because the analyst had not been fully trained to validate the selectors before submitting queries to raw traffic databases. The results were deleted, and no reports were issued.

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- ~~(S// REL TO USA, FVEY)~~ [redacted]

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(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

- ~~(S//REL TO USA, FVEY)~~ [redacted] a SIGINT analyst queried a raw traffic database [redacted] The analyst, who did not recognize initially that [redacted] of the selectors [redacted] subsequently deleted the results and modified the query on [redacted] No reports were issued.

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(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

- ~~(S//REL TO USA, FVEY)~~ [redacted] database auditor discovered that [redacted] associated with a U.S. territory were included on a list of selectors that were queried in a raw traffic database. [redacted] The results were deleted, and no reports were issued.

- ~~(S//REL TO USA, FVEY)~~ [redacted] an NSA analyst discovered that the e-mail selector associated with a USP had been queried in a raw traffic database. Although the selector had been removed from a [redacted] query [redacted] after the target traveled to the United States, the selector [redacted] [redacted]

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(b)(3)-50 USC 3024(i)

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(b)(3)-50 USC 3024(i)

2011, an NSA analyst mistakenly [redacted] The query and results were deleted, and no reports were issued.

- (U//~~FOUO~~) [redacted] an NSA analyst learned that a USP had been targeted in raw traffic database queries [redacted] The error occurred despite the fact that the [redacted] that should have prevented the targeting of the USP. The release of a new version of the tool has resolved the problem. No reports were issued.

(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

3. (U) Overcollection

~~(S//REL TO USA, FVEY)~~ [redacted] NSA/CSS discovered that an overcollection of E.O. 12333-acquired data occurred [redacted] after an upgrade had been installed. [redacted]

[redacted]

4. (U) Detasking Delays

~~(S//REL TO USA, FVEY)~~ [redacted] during a review of detasking requests at an E.O. 12333 collection site, NSA/CSS found that [redacted] selectors associated with USPs had not been detasked. There was no collection for [redacted] of the selectors. The remaining [redacted] selectors had collection results at various sites. NSA/CSS is analyzing the collection to determine whether purging is required.

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~~(S//REL TO USA, FVEY)~~ [redacted] during a meeting with IC personnel, an NSA analyst learned that a target had been in the United States since [redacted]. Another NSA analyst, [redacted] had detasked [redacted] selectors [redacted]. However, [redacted] selector remained on task until [redacted] There was no collection or reporting on the target between [redacted]

~~(S//REL TO USA, FVEY)~~ [redacted] an NSA analyst discovered that a selector associated with a valid foreign intelligence target who had traveled to the United States had remained on task [redacted] even though the analyst had submitted a request to detask the selector. [redacted] All intercept collected from the target's arrival in the United States from [redacted] (the date of the last collection) was deleted, and no reports were issued.

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5. (U) System Errors

~~(S//REL TO USA, FVEY)~~ [redacted] while participating in a test and evaluation session for a development system, an NSA analyst performed a search for [redacted]

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(b)(3)-50 USC 3024(i)

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(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

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(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

[redacted] The analyst submitted a request to the system developer to correct the problem and notified other test and evaluation participants of the software error. The analyst did not view the results.

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(b)(3)-P.L. 86-36

~~(S//REL TO USA, FVEY)~~ [redacted] an NSA analyst performed a query in a raw traffic database that returned U.S. data. The error was caused by a software feature [redacted] The analyst immediately recognized the mistake and reported the system error to the database developers. The query returned results that have aged off. No reports were produced. The software problem is under review by the developers.

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(b)(3)-50 USC 3024(i)

6. (U) [redacted]

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(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

~~(TS//SI//REL TO USA, FVEY)~~ [redacted]

7. (U) **Data-Handling Errors**

(U//~~FOUO~~) [redacted] an NSA analyst disseminated to an IC agency analyst raw SIGINT containing the identities of [redacted] USPs. The analyst verified recall of the information on [redacted]

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~~(S//REL TO USA, FVEY)~~ [redacted] an NSA analyst discovered that a target was a USP, requiring all collection being shared with an IC agency to cease. [redacted] The data sharing was terminated the same day. The IC agency confirmed that all information received on the target was purged [redacted]

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(b)(3)-P.L. 86-36

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(b)(3)-18 USC 798

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an NSA analyst learned that a target selector cited in an NSA/CSS report and used in a raw traffic database query was being used by [redacted] A destruction waiver is being requested.

~~(S//REL TO USA, FVEY)~~ [redacted] an NSA analyst forwarded an e-mail to an IC agency analyst and an NSA analyst containing the identity of a U.S. company without going through proper identity release procedures. Both the IC and NSA analysts confirmed deletion of the communication as of [redacted] There was no targeting or collection.

B. (U) Dissemination of U.S. Identities

~~(S//REL TO USA, FVEY)~~ The NSA/CSS enterprise issued [redacted] SIGINT product reports during the second quarter of CY2011. In those reports, SIGINT analysts included information that identified USPs or U.S. entities on [redacted] occasions while pursuing foreign intelligence tasking. In [redacted] SIGINT products, such disseminations were found to be improper, and the reports were canceled as NSA/CSS [redacted] analysts learned of USPs, U.S. organizations, or U.S. entities named without authorization. All data in the canceled reports was deleted as required, and the reports were not reissued or were reissued with proper minimization. It should be noted that the majority of the U.S. entities' names identified were those of Internet service providers in e-mail selectors.

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C. (U) Foreign Intelligence Surveillance Act (FISA)

1. (U) NSA/CSS Title I FISA

a. (U) Tasking Error

~~(S//REL TO USA, FVEY)~~ [redacted] NSA/CSS determined that a FISC Order contained an incorrect telephone number for a targeted entity. The error occurred because the source of the information was inaccurate. The telephone number was detasked [redacted] was deleted, and no reports were issued.

b. (U) Detasking Delays

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~~(S//REL TO USA, FVEY)~~ [redacted] an NSA analyst discovered an e-mail [redacted] The e-mail selector for this FISC-authorized target remained on task after the target had left the United States. The selector was detasked [redacted] another analyst documented this as an instance of overcollection. Data that was collected and retained [redacted] data was purged [redacted] while the incident was under discussion with oversight personnel. No reports were issued.

~~(S//REL TO USA, FVEY)~~ [redacted] an NSA database auditor discovered that the selectors for [redacted] foreign targets authorized under FISC Orders remained on task after the targets [redacted] departed the United States. [redacted] of the targets had departed [redacted] and [redacted] departed [redacted] The selectors were detasked on 2 March 2011, and no collection occurred.

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~~(S//REL TO USA, FVEY)~~ [redacted] an NSA analyst learned that the selector for a FISC-approved target remained on task after the target [redacted] departed the United States [redacted] Improved procedures for tracking the target selectors have been formulated. The selector was detasked [redacted] and collection [redacted] has been purged. No reports were issued.

~~(S//REL TO USA, FVEY)~~ [redacted] an NSA analyst discovered that the selectors for [redacted] foreign targets authorized under FISC Orders had remained on task after the

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targets [redacted] departed the United States [redacted] Traffic from the selectors collected after the targets' departure dates was purged [redacted]

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(b)(3)-P.L. 86-36

~~(S//REL TO USA, FVEY)~~ [redacted] an NSA analyst learned that the e-mail selector for a FISC-authorized target had remained on task after the target had left [redacted] United States on or about [redacted] The e-mail selector was detasked on [redacted] Collection from the e-mail selector has been marked for purging.

~~(S//REL TO USA, FVEY)~~ [redacted] during a review of selectors for the renewal of a FISC Order, an NSA analyst learned that e-mail selectors for [redacted] FISC-authorized targets remained on task after the targets' departure [redacted] The selector for one of the targets remained on task three days after the target's departure from the United States [redacted] Traffic collected from [redacted] was purged, and no reports were issued.

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(b)(3)-P.L. 86-36

c. (U) **Data-Handling Errors**

(U//~~FOUO~~) [redacted] files containing FISA records were downloaded into an E.O. 12333 database. Within three hours of the download, the error was discovered, and the FISA records were deleted from the database. No FISA records were accessed during the time the data was in the database.

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(U//~~FOUO~~) [redacted] a SIGINT analyst posted FISA information to a chat window that was not authorized for FISA data. The analyst notified his overseers of his mistake. Chat posts age off after 48 to 72 hours.

d. (U) **Unauthorized Data Retention**

(U//~~FOUO~~) [redacted] system developers discovered system errors that had prevented the purging of records containing FISA data after the one-year retention period. The system error was corrected, and a new automated script was implemented [redacted] to delete FISA files older than one year.

(U//~~FOUO~~) [redacted] previously misidentified files were processed and found to contain FISA data from [redacted] that was no longer approved for retention under expired FISC Orders. Although the data was authorized under FISC Orders when it was collected, the data was processed and retained in the database after the Orders had expired. All data had been purged as of [redacted] and no reports were issued.

2. (U) [redacted]

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(b)(3)-50 USC 3024(i)

(U) Nothing to report

3. ~~(TS//SI//NF)~~ **Business Records (BR) Order**

(U) Nothing to report

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(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

4. ~~(TS//SI//NF)~~ **Pen Register/Trap and Trace (PR/TT) Order**

~~(TS//SI//NF)~~

~~(TS//SI//NF)~~

5. (U) **FISA Amendments Act (FAA)**

a. (U) **Section 702**

(U//~~FOUO~~) *Note: As previously reported in the 2010 Second Quarter Report, NSA CSS has implemented a new process to ensure the purging of FAA §702 collection that is required to be purged from NSA CSS databases. A* *to identify noncompliant data that should be purged. All collection that has been marked for purging will be purged.*

(b)(3)-P.L. 86-36

i. (U) **Unauthorized Targeting**

~~(S//REL TO USA, FVEY)~~ NSA/CSS detasked a selector associated with a valid foreign intelligence target after it was determined that the target was in the United States. The selector was initially tasked The error occurred because the analyst overlooked information that the target had arrived in the United States sometime after the traffic from after detasking, ensuring removal of all data from Agency databases) was quarantined, pending approval of a destruction waiver. No reports were issued.

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~~(S//REL TO USA, FVEY)~~ an NSA analyst discovered that the e-mail account associated with a valid foreign intelligence target the United States.

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(b)(3)-18 USC 798

[redacted] The selector was detasked on [redacted] and collection from [redacted] had been marked for purging. No reports were issued

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(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

ii. (U) **Reverse Targeting**

~~(TS//SI//NF)~~ [redacted] NSA/CSS learned of an instance of reverse targeting. For the purpose of collecting information on a foreign [redacted] located in the United States, an analyst targeted selectors associated with the target's family members. There was no independent foreign intelligence interest in the family members. The selectors, [redacted] were detasked [redacted] associated with the selectors were deleted [redacted] Collection resulting from the FAA §702 selectors has been marked for purging. No reports were issued

iii. (U) **Tasking Errors**

(U//~~FOUO~~) On [redacted] occasions from [redacted] NSA analysts discovered that incorrect e-mail selectors had been tasked because of typographical errors. The selectors were detasked, and all noncompliant collection was marked for purging.

(U//~~FOUO~~) [redacted] an NSA analyst discovered that a previously tasked selector had been retasked on [redacted] without having gone through the required pre-tasking approval process. The selector was not detasked, but the tasking information was updated, and the tasking was re-approved [redacted] Collection for the period [redacted] was purged [redacted]

(U//~~FOUO~~) [redacted] an NSA analyst discovered that a selector had been tasked [redacted] under the incorrect FAA §702 Certification. The incorrect tasking was corrected [redacted] and all results were purged [redacted]

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(U//~~FOUO~~) On [redacted] occasions from [redacted] NSA analysts tasked selectors without providing sufficient proof that the targets were located outside the United States. All selectors were detasked. On [redacted] occasions, noncompliant data was collected, and it has been marked for purging. No reports were issued

(U//~~FOUO~~) [redacted] selectors were tasked under FAA §702 authority in error as part of a [redacted] Procedures for [redacted] do not require pre-tasking review, so the error was not discovered before tasking. NSA analysts discovered the error on [redacted] and detasked the selectors from FAA §702 collection the same day. Collection was purged [redacted] and no reports were issued

(U//~~FOUO~~) [redacted] an NSA analyst discovered that a selector had been tasked without having gone through the required pre-tasking review process. The error occurred because the target's selector was similar to one that was already tasked. The selector was not detasked, but was updated and approved [redacted] Collection [redacted] has been marked for purging. No reports were issued

(U //~~FOUO~~) a selector was erroneously included in a list of selectors being processed for transfer to another NSA analyst The selector was ineligible for tasking under FAA §702 because of outdated information about the target's location The selector was detasked There were no results. (b)(3)-P.L. 86-36

~~(S//REL TO USA, FVEY)~~ an NSA analyst incorrectly tasked an e-mail selector. The selector was detasked when the correct selector was tasked. All collection has been marked for purging.

~~(S//REL TO USA, FVEY)~~ an NSA analyst attempting to submit selectors for FAA §702 collection incorrectly tasked non-FAA §702 sites and routed the collection to an IC customer While FAA §702 minimization procedures allow collection to be routed to other IC members, this is not true of all SIGINT collection The selectors were detasked Collection has been marked for purging. (b)(1) (b)(3)-P.L. 86-36

iv. (U) Database Queries

(U//~~FOUO~~) On occasions from NSA analysts queried the selectors for valid foreign intelligence targets in a raw traffic database without first conducting the required research on the selectors The queries returned results that associated the selectors with USPs The query results were deleted and no reports were issued. (b)(3)-P.L. 86-36

(U//~~FOUO~~) On occasions from NSA analysts submitted overly broad queries that could potentially return USP data to databases containing FAA §702 data. The query results were deleted, and no reports were issued

~~(S//REL TO USA, FVEY)~~ From an NSA analyst performed a query in the FAA §702 raw traffic database using the e-mail selector for a USP associated with the U S government The error occurred because the analyst was not aware that the account was associated with the U S. government No results were returned by the query

~~(S//REL TO USA, FVEY)~~ a database auditor discovered that an analyst had queried FAA §702 data using selectors associated with FAA §704 and FAA §705(b) targets The query results were deleted (b)(1)
~~(S//REL TO USA, FVEY)~~ (b)(3)-P.L. 86-36

(U//~~FOUO~~) a database auditor discovered that an NSA analyst had erroneously queried an FAA §704 selector in the FAA §702 raw traffic database The query and results were deleted.

v. (U) Detasking Delays

(U//~~FOUO~~) it was discovered that an FAA §702 selector remained on task after a detask request had been issued The error occurred because a collection system processed the detasking requests out of order, thereby leaving the selector on collection. The selector was removed from collection a system patch updated the collection system to prevent future errors On records collected for the selector were marked for purging

~~(S//NF)~~

(U//~~FOUO~~) [redacted] it was discovered that an NSA analyst failed to detask the selectors for a valid foreign intelligence target after receiving instructions [redacted] to detask because [redacted] The selector was detasked [redacted] and the traffic from [redacted] was marked for purging No reports were issued. (b)(1) (b)(3)-P.L. 86-36

~~(S//REL TO USA, FVEY)~~ Because of a communication error, information collected on [redacted] regarding [redacted] the United States [redacted] was missed, and the selector was not detasked until [redacted] Collection from [redacted] has been marked for purging. No reports were issued

~~(S//REL TO USA, FVEY)~~ [redacted] an NSA analyst discovered that a selector remained on task for routing to an IC customer even though it had been detasked by NSA/CSS [redacted] because [redacted] the United States [redacted] The selector was completely detasked on [redacted] Collection from [redacted] (the date the target entered the United States) to [redacted] has been marked for purging. (b)(1) (b)(3)-P.L. 86-36

vi. (U) **Data-Handling Errors**

(U//~~FOUO~~) On [redacted] occasions from [redacted], FAA §702 data was forwarded by fax and e-mail to personnel not authorized to receive FAA §702 data The recipients confirmed that the data was not further disseminated and that the faxes and e-mails had been destroyed. (b)(3)-P.L. 86-36

(U//~~FOUO~~) [redacted] an NSA analyst raised concerns about the appropriateness of sharing FAA §702 traffic with an NSA analyst who was detailed to another IC agency and was not cleared for FAA §702 The sharing arrangement began in 2009 The agreement on the sharing activity with the IC agency did not cover sharing FAA-derived information. [redacted] the analyst ceased information-sharing until appropriate authorization could be obtained The analysts confirmed [redacted] that at no time had source information for the FAA-derived information been shared. As of [redacted] NSA/CSS had not created a new memo on sharing information with the IC agency

(U//~~FOUO~~) [redacted] an NSA analyst forwarded unminimized USP information in FAA §702 traffic to a [redacted] ecipient The traffic was destroyed, and no reports were issued.

vii. (U) **Overcollection**

~~(TS//SI//NF)~~ [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

b. (U) **Section 704**

(b)(1)
(b)(3)-P.L. 86-36

i. (U) Unauthorized Dissemination

~~(S//REL TO USA, FVEY)~~ [redacted] an NSA software engineer discovered that the identities of various USPs collected under FAA §704 and FAA §705(b) had been shared with IC agency analysts [redacted] The software revision was implemented on [redacted] Recall of the information from the IC agency was not feasible because of its volume and lack of unique identifiers for the FAA records

D. (U) **Other**

1. (U) **Unauthorized Access**

(U//~~FOUO~~) [redacted] an NSA analyst detailed to an IC agency accessed an NSA/CSS tool and ran [redacted] queries using an NSA/CSS account instead of an IC agency account, as required by an agreement between NSA/CSS and the IC agency The accounts for NSA/CSS employees accessing NSA/CSS databases at the IC agency were to have been de-activated by NSA/CSS [redacted] and activated by the IC agency [redacted] No data from the improper access of the tool was used in reports

2. (U) **Consensual Collection**

(U//~~FOUO~~) [redacted] an NSA analyst requested that a selector for a USP be detasked because the target had rescinded consent for monitoring [redacted] The selector was detasked [redacted] The selector had been tasked by NSA/CSS on behalf of an IC customer [redacted] The IC customer confirmed that he had no collection for the selector after [redacted]

(b)(3)-P.L. 86-36

(U//~~FOUO~~) [redacted] an NSA analyst discovered that targeting of a USP continued beyond the period approved by a consensual agreement The error occurred because [redacted] the selectors for the target had been incorrectly tasked and had not been removed when the agreement expired No collection occurred between the time of expiration and the time of removal, and no reports were issued.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

3. (U) **Computer Network Exploitation (CNE)**

~~(TS//SI//NF)~~ [redacted]

~~(TS//SI//NF)~~ [redacted]

[redacted]

E. (U) Counterintelligence Activities

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(U) Nothing to report.

F. (U) Intelligence-Related Activities

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(S//SI//NF)~~ To reduce the risk of unauthorized telephony collection and prevent violations, NSA/CSS instituted a process that gives analysts greater and faster insight into a target's location. [redacted] Collected data was purged from NSA/CSS's principal raw traffic repositories where required.

~~(S//SI//NF)~~ [redacted] NSA analysts found [redacted] e-mail selectors [redacted] this quarter. Collected data was purged from NSA/CSS's principal raw traffic repositories where required.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(U//~~FOUO~~) In [redacted] instances, database access was not terminated when access was no longer required. Although not violations of E.O 12333 or related directives, the accesses were terminated. In addition, there were [redacted] instances of unauthorized access to raw SIGINT and [redacted] account sharing during the quarter.

(b)(3)-P.L. 86-36

II. (U) NSA/CSS Office of the Inspector General (OIG) Intelligence Oversight (IO) Inspections, Investigations, and Special Studies

(U//~~FOUO~~) During the first quarter of CY2011, the OIG reviewed various NSA/CSS intelligence activities to determine whether they had been conducted in accordance with statutes, Executive Orders, Attorney General procedures, and Department of Defense and internal directives. With few exceptions, the problems uncovered were routine and showed that operating elements understand the restrictions on NSA/CSS activities.

A. (U) Expeditionary Operations Reviews (EORs)

(U//~~FOUO~~) [redacted] the NSA/CSS OIG and the NSA/CSS Representative to [redacted] proposed EORs of forward cryptologic elements to enhance cryptologic

(b)(3)-P.L. 86-36

operations and provide Agency leadership an independent, on-site assessment of in-theater operations. A review was conducted of mission operations and IO performed by Cryptologic Services Groups and Cryptologic Support Teams [redacted] The IO review highlighted the need for development of IO guides that detail IO procedures and for better guidance on IO functions for Officers in Charge.

B. (U//~~FOUO~~) [redacted] (b)(3)-P.L. 86-36

[redacted]

~~(C//REL TO USA, FVEY)~~ As part of the joint IG inspection of [redacted] the IO inspection team reviewed the IO program, IO training, and the application of IO standards in the SIGINT mission activities performed at the two sites. The IO programs at [redacted] are included under the [redacted] IO Program and are managed by the [redacted] IO Program Manager (IOPM), who also serves as the IO Officer (IOO) [redacted] The IO programs at both sites are well documented and sustainable. The [redacted] Program is healthy, and inspectors highlighted as an area of strength the [redacted] IOO's commitment to adherence to compliance standards. [redacted] mission-related IO training is timely, appropriate, and responsive to needs of [redacted] personnel. The [redacted] IOPM has worked with the [redacted] IOPM and the [redacted] IOO to raise IO awareness at [redacted]

C. (U) **Misuse of the U.S. SIGINT System** (b)(1) (b)(3)-P.L. 86-36 (b)(1) (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~ [redacted] NSA/CSS learned that a SIGINT analyst at a collection site used the U.S. SIGINT System to target a foreign national [redacted] The analyst tasked the telephone selector of the [redacted] The incident is under investigation by the OIG's Office of Investigation. The analyst has been removed from the site.

~~(TS//SI//NF)~~ [redacted] NSA/CSS learned that a SIGINT analyst at a collection site performed a query in a raw traffic database using a personal U.S. telephone number and the telephone number of a foreign national [redacted] The analyst viewed the metadata results returned by the query. No tasking, collection, or dissemination occurred during this incident. The incident [redacted] is under investigation by the OIG's Office of Investigation. (b)(1) (b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~ During an audit review [redacted] NSA/CSS learned that a military analyst [redacted] had queried the U.S. telephone number of the son of a personal acquaintance in a raw traffic database [redacted] The query results were deleted [redacted] The analyst has been barred from the secured work area and has had clearances suspended. An investigation of the incident is being launched by [redacted] The OIG's Office of Investigation will also investigate this incident.

D. (U) **Congressional and IO Board Notifications** (b)(1)

~~(TS//SI//NF)~~ [redacted] NSA/CSS notified the Congressional intelligence committees of a matter involving the NSA/CSS "upstream" collection under FAA §702. In

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

addition to acquiring Internet communications under FAA §702 to or from a foreign target's electronic communications account from U.S. companies that maintain such accounts, NSA/CSS acquires Internet communications to, from, or about a foreign target [redacted] These collection methods sometimes acquire multiple, logically separate Internet communications that cannot be divided by technical means [redacted] This matter has been described to the FISC, which expressed concerns about upstream collection. This matter also surfaced during the Court's consideration of applications for renewal of all [redacted] FAA §702 Certifications, which were to expire in June and August.

~~(TS//SI//NF)~~ The FISC granted a requested extension of all [redacted] of the current certifications until 20 September 2011 to permit time for the FISC to complete its review of the Government's responses to questions and issue orders on this matter.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

E. (U) Other Notifications

~~(S//NF)~~ NSA/CSS has notified the Attorney General of [redacted] consensual and nonconsensual intelligence-related collection activities for USP hostage and detainee cases.

III. (U) Substantive Changes to the NSA/CSS IO Program

(b)(1)
(b)(3)-P.L. 86-36

A. (U) Database Access Control Tool

(U//~~FOUO~~) NSA/CSS is creating a tailored data management tool to maintain access control of SIGINT data in registered repositories. In the future, NSA/CSS hopes to be able to supply more precise information about repositories, users, and the number of queries made in a given quarter.

B. (U) [redacted]

(b)(3)-P.L. 86-36

(U//~~FOUO~~) [redacted] NSA's Director of Compliance and the IG jointly hosted a town meeting to introduce the new [redacted] designed to automate the process of submitting mission compliance incident reports across the worldwide NSA/CSS enterprise. The [redacted] will become the Agency's central tool for reporting all potential mission compliance incidents and will provide such benefits as a streamlined management process, a central repository, and metrics data to support root cause identification and trend analysis. The [redacted] is expected to be implemented in [redacted] and fully operational for [redacted]

IV. (U) Changes to NSA/CSS Published Directives or Policies Concerning Intelligence, Counterintelligence, or Intelligence-Related Activities and the Reason for the Changes

(U) Nothing to report.

V. (U) **Procedures Governing the Activities of DoD Intelligence Components that Affect USP (DoD Directive 5240.1-R, Procedure 15) Inquiries or Matters Related to IO Programs**

(U) Nothing to report.